

FILED  
ELECTRONICALLY

9/15/06

## STUTMAN, TREISTER &amp; GLATT, P.C.

FRANK A. MEROLA

(CA State Bar No. 136934)

EVE H. KARASIK

(CA State Bar No. 155356)

ANDREW M. PARLEN

(CA State Bar No. 230429)

1901 Avenue of the Stars, 12<sup>th</sup> Floor

Los Angeles, CA 90067

Telephone: (310) 228-5600

Facsimile: (310) 228-5788

E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)[ekarasik@stutman.com](mailto:ekarasik@stutman.com)[aparden@stutman.com](mailto:aparden@stutman.com)

## SHEA &amp; CARLYON, LTD.

JAMES PATRICK SHEA

(Nevada State Bar No. 000405)

CANDACE C. CARLYON, ESQ.

(Nevada State Bar No. 002666)

SHLOMO S. SHERMAN, ESQ.

(Nevada State Bar No. 009688)

233 South Fourth Street, Second Floor

Las Vegas, Nevada 89101

Telephone: (702) 471-7432

Facsimile: (702) 471-7435

E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)*Counsel for the Official Committee of Equity Security  
Holders of USA Capital First Trust Deed Fund, LLC*

## UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY

Debtor

) BK-S-06-10725-LBR

) Chapter 11

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor

) BK-S-06-10726-LBR

) Chapter 11

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor

) BK-S-06-10727-LBR

) Chapter 11

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

) BK-S-06-10728-LBR

) Chapter 11

In re:

USA SECURITIES, LLC,

Debtor.

) BK-S-06-10729-LBR

) Chapter 11

Affects

☐ All Debtors☐ USA Commercial Mortgage Co.☐ USA Securities, LLC☐ USA Capital Realty Advisors, LLC☐ USA Capital Diversified Trust Deed☒ USA Capital First Trust Deed Fund, LLC

) Date: August 31, 2006

) Time: 9:30 a.m.

**NOTICE OF ENTRY OF ORDER SUSTAINING OMNIBUS OBJECTION OF THE  
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL  
FIRST TRUST DEED FUND, LLC TO CLAIMS BASED ON PREPETITION EQUITY  
SECURITY HOLDERS (AFFECTS DEBTOR USA CAPITAL FIRST TRUST DEED  
FUND, LLC AND CLAIMANTS CONCETTA CARNICELLI, JOSEPH GRGURICH,  
FRIEDA MOON, LOUIE AND CHARLOTTE POLANCO, ROCCO J. ROCCO,  
MARGARET VALLI, SHARON C. VAN ERT, AND HEINRICH RICHARD AND  
BRIGITTE S. WEBER)**

PLEASE TAKE NOTICE that an Order Sustaining Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC to Claims Based on Prepetition Equity Security Holders (Affects Debtor USA Capital First Trust Deed Fund, LLC and Claimants Concetta Carnicelli, Joseph Grgurich, Frieda Moon, Louie and Charlotte Polanco, Rocco J. Rocco, Margaret Valli, Sharon C. Van Ert, and Heinrich Richard And Brigitte S. Weber) was entered on September 14, 2006, a true and correct copy of which is attached hereto.

DATED this 15<sup>th</sup> day of September, 2006.

SHEA & CARLYON, LTD.



CANDACE C. CARLYON, ESQ.

Nevada Bar No. 0002666

SHLOMO S. SHERMAN, ESQ.

Nevada Bar No. 009688

233 S. Fourth Street, Suite 200

Las Vegas, NV 89101

and

STUTMAN, TREISTER & GLATT, P.C.

Frank A. Merola, Esq.

Eve. H. Karasik, Esq.

Andrew M. Parlen, Esq.

1901 Avenue of the Stars, 12<sup>th</sup> Floor

Los Angeles, CA 90067

**EXHIBIT “1”**



Entered on Docket  
September 14, 2006

Hon. Linda B. Riegler  
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.  
FRANK A. MEROLA  
(CA State Bar No. 136934)  
EVE H. KARASIK  
(CA State Bar No. 155356)  
ANDREW M. PARLEN  
(CA State Bar No. 230429)  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 228-5600  
Facsimile: (310) 228-5788  
E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
[ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
[aparlen@stutman.com](mailto:aparlen@stutman.com)

SHEA & CARLYON, LTD.  
JAMES PATRICK SHEA  
(Nevada State Bar No. 000405)  
CANDACE C. CARLYON, ESQ.  
(Nevada State Bar No. 002666)  
SHLOMO S. SHERMAN, ESQ.  
(Nevada State Bar No. 009688)  
233 South Fourth Street, Second Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 471-7432  
Facsimile: (702) 471-7435  
E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

*Counsel for the Official Committee of Equity Security  
Holders of USA Capital First Trust Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
USA COMMERCIAL MORTGAGE COMPANY  
Debtor

) BK-S-06-10725-LBR  
) Chapter 11

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor

) BK-S-06-10726-LBR  
) Chapter 11

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
Debtor

) BK-S-06-10727-LBR  
) Chapter 11

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

) BK-S-06-10728-LBR  
) Chapter 11

In re:  
USA SECURITIES, LLC,  
Debtor.

) BK-S-06-10729-LBR  
) Chapter 11

## Affects

- ☐ All Debtors  
☐ USA Commercial Mortgage Co.  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed  
☒ USA Capital First Trust Deed Fund, LLC

Date: August 31, 2006  
Time: 9:30 a.m.

**ORDER SUSTAINING OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE  
 OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND,  
 LLC TO CLAIMS BASED ON PREPETITION EQUITY SECURITY HOLDERS  
 (AFFECTS DEBTOR USA CAPITAL FIRST TRUST DEED FUND, LLC AND  
 CLAIMANTS CONCETTA CARNICELLI, JOSEPH GRGURICH, FRIEDA MOON,  
 LOUIE AND CHARLOTTE POLANCO, ROCCO J. ROCCO, MARGARET VALLI,  
 SHARON C. VAN ERT, AND HEINRICH RICHARD AND BRIGITTE S. WEBER)**

The Court having considered the Omnibus Objection of the Official Committee of  
 Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee")  
 to Misfiled Claims, including claim nos. 2, 6, 7, 17, 19, 20, 25, and 26 (the "Objection"); having  
 reviewed the pleadings, papers and records on file in this action and the arguments of counsel;  
 no opposition to the Objection having been timely filed; and good cause appearing:

IT IS HEREBY ORDERED that the FTDF Committee's Objection is sustained.

IT IS FURTHER ORDERED that the claims listed on Exhibit A attached hereto shall be

///

///

///

///

///

///

///

1 reclassified as proofs of interest.

2 SUBMITTED BY:

3 SHEA & CARLYON, LTD.

4  
5  
6 JAMES PATRICK SHEA, ESQ.  
7 CANDACE C. CARLYON, ESQ.  
8 SHLOMO S. SHERMAN, ESQ.  
9 Nevada Bar No. 009688  
233 S. Fourth Street, Suite 200  
Las Vegas, NV 89101

10 and

11 STUTMAN, TREISTER & GLATT, P.C.

12 Frank A. Merola, Esq.

Eve. H. Karasik, Esq.

13 Andrew M. Parlen, Esq.

14 1901 Avenue of the Stars, 12<sup>th</sup> Floor

Los Angeles, CA 90067

15 *Counsel for the Official Committee of Equity Security*  
16 *Holders of USA Capital First Trust Deed Fund, LLC*

17  
18 APPROVED / DISAPPROVED

19 OFFICE OF THE UNITED STATES TRUSTEE

20  
21  
22 AUGUST B. LANDIS, ESQ. Scott Andrew Farrocy  
23 300 Las Vegas Blvd. South, Ste. 4300  
Las Vegas, NV 89101

**EXHIBIT “A”**

**EXHIBIT "A"****Equity Interests**

<b>Claim No.</b>	<b>Claimant</b>	<b>Date Filed</b>	<b>Claim Amount</b>	<b>Disposition</b>
2	Joseph Grgurich	April 27, 2006	\$25,000.00	Reclassify as proof of interest.
6	Frieda Moon FBO Sharon C. Van Ert	May 23, 2006	\$35,583.34	Reclassify as proof of interest.
7	Frieda Moon FBO Sharon C. Van Ert	May 23, 2006	\$17,538.18	Reclassify as proof of interest.
17	Concetta Carnicelli or Margaret Valli JT WROS	June 23, 2006	\$45,000.00	Reclassify as proof of interest.
19	Louie and Charlotte Polanco	June 23, 2006	\$13,110.26	Reclassify as proof of interest.
20	Joseph Grgurich	June 23, 2006	\$25,000.00	Reclassify as proof of interest.
25	Rocco J. Rocco	July 7, 2006	\$10,132.00	Reclassify as proof of interest.
26	Heinrich Richard Weber and Brigitte S. Weber	July 21, 2006	\$30,275.00	Reclassify as proof of interest.